

SUPREME COURT OF THE STATE OF WASHINGTON

DAVID T. MCDONALD, RONALD TARO
SUYEMATSU, et al.

Petitioner-Electors,

v.

SECRETARY OF STATE SAM REED, et
al.,

Respondents.

NO. 76321-6

DECLARATION OF MILES
ERICKSON IN SUPPORT OF
PETITION FOR WRIT OF
MANDAMUS

Miles Erickson declares as follows:

1. I am over the age of 18, am competent to be a witness herein, and make this declaration based on my own personal knowledge.

2. I have been a registered voter in Whatcom County since April 2004, and I am registered as a permanent absentee voter. Prior to the November 2, 2004 General Election, I lost my absentee ballot. Thus, I went to my polling place on November 2, 2004 and

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[Erickson Declaration2.doc]

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1 requested to vote at the polls. The poll worker found my name on the list of registered
2 absentee voters and therefore informed me that I would need to vote a provisional ballot. I
3 voted a provisional ballot and then completed the ballot envelope, inserted my ballot into the
4 envelope, and then placed the envelope into the ballot box.
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9 3. On December 6, 2004, I contacted the Whatcom County Auditor to determine
10 if my ballot had been counted. I was informed by the staff worker that Whatcom County had
11 no record of my vote in the November 2, 2004 General Election. After discussing the matter
12 with the elections staff worker, she suggested that I should contact the King County
13 Elections Division, as I had previously been registered in King County for approximately
14 three years. She also indicated that I am not the first registered Whatcom County voter
15 whose provisional ballot may have been incorrectly mailed out of Whatcom County.
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23 4. I called the King County Elections Division. I was informed that Whatcom
24 County had indeed sent my provisional ballot to King County, but the King County
25 Elections Division informed me that my ballot had not been counted because King County
26 had received a notification to cancel my voter registration from Whatcom County earlier this
27 year as a result of my registration in Whatcom County. When I explained the obvious
28 absurdity of this situation and asked whether King County would return my ballot to
29 Whatcom, where I am properly registered. I was informed that King County would only
30 return my ballot if and when Whatcom County requested return of the ballot.
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39 5. I then called the Whatcom County Auditor's Office again and requested that
40 that office make a request of King County to return my provisional ballot to Whatcom
41 County. Initially, the representative informed me that she would have to ask her supervisor
42 about my request. On December 7, 2004, I spoke to the supervisor, Joyce. She told me that
43 Whatcom County would immediately contact King County to request that King return my
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DECLARATION OF MILES ERICKSON IN
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1 ballot to Whatcom County. I asked Joyce whether my ballot would be counted if King
2 County returned it. She responded, "That's up to the courts to decide."
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4 6. As a result of Whatcom County's mistake in sending my provisional ballot to
5 King County, my ballot has been counted in no county. Moreover, I do not know at this
6 point whether King County is even willing to return my ballot to the county where I am
7 properly registered.
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14 I declare subject to penalty of perjury under the laws of the State of Washington that
15 the foregoing is true and correct.
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18 SIGNED and DATED at Blaine, Washington, this 7th day of December,
19 2004 by MILES ERICKSON.
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25 MILES ERICKSON
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DECLARATION OF MILES ERICKSON IN
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